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226 St Paul Street
Westfield, NJ 07090

EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,036

Applicant(s)

LIN-HENDEL, CATHERINE

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to Amendment D, filed 12/18/2003.
2. Claims 1-47 are pending in this application. Claims 1, 27 and 32 are independent claims.

In the Amendment D, claim 32 is amended. This action is made non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7, 8, 12-17, 18-24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Himmel et al ("Himmel").

As per independent claim 1, Himmel teaches a system for selecting and simultaneously displaying a plurality of digitally stored objects, comprising:

Means for displaying digitally stored objects via a webpage (fig. 5A);

means for selecting on said webpage a plurality of the displayed digitally stored objects each displayed digitally stored object having at least one dynamically linked associated destination object (*Hypertext link* of fig. 5A; col. 6, lines 61-67); and

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means for retrieving the at least one dynamically linked destination object for each selected one of the plurality of the displayed digitally stored objects together from a storage medium and then simultaneously displaying together the retrieved destination objects for viewing (fig. 5C; col. 7, lines 26-29 and col. 7, lines 46-67 through col. 8, lines 1-36).

As per claim 7, which is dependent on claim 1, Himmel teaches means for sub-framing information associated with the selected plurality of digitally stored objects (fig. 5C; col. 7, lines 26-29).

As per claim 8, which is dependent on claim 7, it is inherent in Himmel's system that if data in the sub-framed windows (fig. 5C) exceed the sub-framed windows, a horizontal dynamic scroll bar and a vertical dynamic scroll bar that allow an orderly arrangement and presentation of textural information would be presented.

As per claim 12, which is dependent on claim 1, Himmel teaches the selection means is adapted to select each selected displayed digitally stored object of the selected plurality of displayed digitally stored objects one at a time by pointing to a different link-token associated with each different one of the plurality of displayed digitally stored objects and, after all of the selected plurality of displayed digitally stored objects have been selected, single clicking a computer mouse button (from col. 6, lines 61-67 through col. 7 line 1); and double clicking the computer mouse button retrieves together and simultaneously displays together the associated destination objects (col. 7, lines 6-11 and from col. 6, lines 61-67 through col. 7, line 1 and col. 7, lines 7-8);

As per claim 13, which is dependent on claim 12, Himmel teaches each one of the different associated link-tokens is a first color and each time one of the plurality of digitally stored objects is selected by single clicking the computer mouse button, the first color changes to a second color to indicate the selection of the digitally stored object (col. 7, lines 20-25).

As per claim 14, which is dependent on claim 13, according to Himmel's web-based system, it is inherent that each one of the selected link-tokens would change to a different (third) color when a browser returns to a list of the plurality of digitally stored objects (fig. 5A) from the retrieved and simultaneously displayed associated destination objects (fig. 5C) to indicate that they have been visited.

As per claim 15, which is dependent on claim 13, Himmel teaches single clicking on the selected link-token de-selects the link-token so that the link-token reverts to the first color indicating the de-selection of the link-token (col. 7, lines 3-5 and lines 20-25).

As per claims 16, which is dependent on claim 1, Himmel teaches means for selecting the plurality of digitally stored objects one at a time by pointing to and clicking on a different link-token associated with each different one of the plurality of digitally stored objects and clicking the first computer mouse button while holding down the unique control key sequence (from col. 6, lines 65-67 through col. 7, lines 1-3

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As per claim 17, which is dependent on claim 16, it is a similar scope to claim 13; therefore, it should be rejected under similar rationale.

As per claims 18, which is dependent on claim 1, Himmel teaches the selection means are employed and the retrieval means are invoked using a computer mouse having a first button and a second button (*one of the mouse buttons*; from col. 6, lines 61-67 through col. 7, line 1 and col. 7, lines 7-8), the plurality of digitally stored objects being selected one at a time by pointing to a different link-token associated with each different one of the plurality of digitally stored objects and clicking the first (from col. 6, lines 65-67 through col. 7, lines 1-3), and then after all of the plurality of digitally stored objects have been selected, clicking the second computer mouse button to retrieve and simultaneously display the associated destination objects (col. 7, lines 6-11).

As per claims 19 and 20, which are both dependent on claim 18, Himmel teaches the first one of the retrieved associated destination objects simultaneously displayed for viewing is made larger than the other simultaneously displayed destination objects by using a computer input device to invoke the first destination object, and when the computer input device is used to invoke a second one of the retrieved associated destination objects simultaneously displayed for viewing, the first destination object returns to the same smaller size of the other simultaneously displayed destination objects and the second destination object is made larger than the other simultaneously displayed destination objects. As indicated by fig. 5C, when the user invokes the first linked web browser by clicking on it, it is made larger than the rest of the linked web browsers, and when the users invoke on the second linked web browser, the first one is returned

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to the smaller size of the other linked web browsers and the second linked web browser is made larger than the rest of the linked web browsers.

As per claim 21, which is dependent on claim 18, it is a similar scope to claims 13 and 14; therefore, it should be rejected under similar rationale.

As per claim 22, which is dependent on claim 1, Himmel teaches the system is used on a personal computer (fig. 3).

As per claim 23, which is dependent on claim 1, Himmel teaches the system is used with a computer network (fig. 3 and fig. 4).

As per claim 24, which is dependent on claim 1, Himmel teaches the system is used on a CD ROM (fig. 3 and fig. 4).

As per claim 26, which is dependent on claim 1, it is inherent that Himmel's system would be implemented using software.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel.

As per claim 25, which is dependent on claim 1, Himmel teaches the system is used on a wireless device; Examiner takes official notice that wireless device such as a laptop computer could be functioned as a personal computer. Himmel teaches the system is used on a personal computer (fig. 3); therefore, the system could also be used on the laptop computer. It would have been obvious to an artisan at the time of the invention to use the teaching of laptop computer in place of personal computer in Himmel's system since laptop is a portable device.

7. Claims 2-5, 27, 29, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Kaply.

As per claim 2, which is dependent on claim 1, Himmel does not disclose means for providing a two-dimensional array of graphical thumbnails of the digitally stored objects. Kaply discloses that in fig. 5A. It would have been obvious to an artisan at the time of the invention to use the teaching from Kaply of means for providing a two-dimensional array of graphical thumbnails of the digitally stored objects in Himmel's system since graphical thumbnails would give more of a hint (information) than plain texts and two-dimensional array would accommodate a large number of the digitally stored objects.

As per claims 3, 4, and 5, which are all dependent on claim 2, Kaply's fig. 5A inherently indicates that the graphical thumbnails in the two-dimensional array can be selectively scrolled at

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any one of the plurality of speeds, can be selectively stopped from scrolling, and can be selectively scrolled vertically and horizontally.

As per independent claim 27, it is a similar scope to claim 2; therefore, it should be rejected under similar rationale.

As per claim 29, which is dependent on claim 27, it is a similar scope to claim 12; therefore, it should be rejected under similar rationale.

As per claim 30, which is dependent on claim 27, Himmel teaches selecting each one of the plurality of digitally stored objects one at a time by pointing to a different link-token associated with each different one of the plurality of digitally stored objects and clicking the first computer mouse button while holding down the unique control key sequence (from col. 6, lines 65-67 through col. 7, lines 1-3). He does not disclose clicking the first computer mouse button while holding down the second computer mouse button; However, Himmel's selecting technique of clicking the first computer mouse button while holding down the unique control key sequence clearly suggests the same idea as of clicking the first computer mouse button while holding down the second computer mouse button. It would have been obvious to an artisan at the time of the invention to use the selecting technique of clicking the first computer mouse button while holding down the second computer mouse button in Himmel's selecting technique since both techniques are considered equivalent.

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Then after all of the plurality of digitally stored objects have been selected, clicking the first computer mouse button without holding the second computer mouse button to retrieve and simultaneously display the associated destination objects (col. 7, lines 6-11).

As per claim 31, which is dependent on claim 27, Himmel teaches primarily textual content associated with each one of the retrieved associated objects is sub-framed (fig. 5C).

8. Claims 32-34, and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and further in view of Kaply.

As per independent claim 32, Himmel teaches a Web electronic document page displaying simultaneously together a plurality of scrolling sub-framed arrays (col. 7, lines 18-29 and col. 7, lines 46-67 through col. 8, lines 1-36.) It is inherent in Himmel's system that each sub-framed array is independently and selectively stopped and scrolled at a selective speed by a viewer (using the scrollbar control.)

Himmel does not disclose the plurality of scrolling sub-framed arrays displayed within a single electronic webpage. Gibson discloses a plurality of scrolling sub-framed arrays 112a, 112b and 112c displayed within a single electronic webpage 114 (fig. 6; col. 8, lines 6-43). It would have been obvious to an artisan at the time of the invention to use the teaching from Gibson of displaying a plurality of scrolling sub-framed arrays displayed within a single electronic webpage since users can more effectively manipulate and manage the viewable area of the browser while preserving the advantages of frames.

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Modified Himmel does not disclose each sub-framed array containing a frame containing a plurality of thumbnails and a plurality of independently selectable sub-frames. Kaply discloses a plurality of sub-framed windows containing scrolling arrays, each sub-framed array containing a plurality of thumbnails and a plurality of independently selectable sub-frames (fig. 5A). It would have been obvious to an artisan at the time of the invention to use the teaching from Kaply of including a plurality of thumbnails in each of the sub-framed arrays in modified Himmel's system since the thumbnails would give more of a hint (information) than plain texts.

As per claim 33, which is dependent on claim 32, modified Himmel does not disclose when a page loads for a first time a default category selected by a website operator is displayed, and when the page loads for a time other than the first time, a category corresponding to the category last viewed by the viewer when they accessed the page is displayed. It is inherent in Himmel's web-based system that when a multi-frame web page is loaded for the first time, the default category frame is loaded and when the page is loaded for a time other than the first time, by hitting the back button, a category corresponding to the category last viewed by the viewer when they accessed the page is displayed.

As per claim 34, which is dependent on claim 32, modified Himmel does not disclose each sub-framed array includes a progress bar indicating how much of the total array has been viewed, the bar also indicating the beginning and end of the sub-frame array. Kaply discloses the two vertical and horizontal scrollbars with the progress bars 160 in fig. 4. It would have been obvious to an artisan at the time of the invention to use the teaching from Kaply of including a progress bar in each sub-frame array indicating how much of the total array has been viewed and

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indicating the beginning and end of the sub-frame array in modified Himmel's system since it would help the users to know where they are in the arrays of the thumbnails.

As per claim 40, which is dependent on claim 32, modified Himmel does not disclose when a viewer removes a cursor from a thumbnail; the sub-frame array in which the thumbnail resides resumes scrolling. Kaply's system in fig. 5B implies that when the viewer removes the cursor from a thumbnail in order to scroll the scrollbar, the array in which the thumbnail resides resumes scrolling. It would have been obvious to an artisan at the time of the invention to use the teaching from Kaply of removing a cursor from a thumbnail, the sub-frame array in which the thumbnail resides resumes scrolling since the array would reveal to the viewer more available thumbnails.

As per claims 41, 42, and 43, which are all dependent on claim 32, it is inherent in Himmel's window system that the position of the thumbnail relative to the sub-frame array is selectively controllable by the viewer or a website operator; the enlarged image of the thumbnail can be selectively programmed to remain on-screen, be minimized or pushed to the background; the page can display any desired number of sub-frame arrays of interest, the sub-frame arrays able to be manually or automatically extended beyond the screen, scrolled horizontally and vertically, or resized so that all of the sub-frames are viewable.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Kaply as applied to claim 2 and further in view of Gilman et al ("Gilman").

As per claim 6, which is dependent on claim 2, Himmel does not disclose the two-dimensional array of graphical thumbnails have a selectively adjustable number of columns

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and rows. Gilman discloses that in fig. 6, col. 5, lines 57-59. It would have been obvious to an artisan at the time of the invention to use the teaching from Gilman of the two-dimensional array of graphical thumbnails have a selectively adjustable number of columns and rows in the modified Himmel's system since it would adjust the number of graphical thumbnails to fit on the screen, and it would give a better arrangement of the thumbnails on the screen by the users.

10. Claims 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Iyengar et al ("Iyengar").

As per claims 9, 10 and 11, which are all dependent on claim 1, Himmel teaches the selection means includes a different link-token associated with each one of the plurality of digitally stored objects (fig. 5A), each one of the plurality of displayed digitally stored objects adapted to be selected one at a time by using a computer input device to select, and de-select, a different link-token such that they are visually highlighted, and back to normal in case of de-selecting, for the user (fig. 5A, 5B; from col. 6, lines 61-67 through col. 7, lines 1-5 and col. 7, lines 18-21), a button (multi-link button 115 of fig. 5A) being invoked to retrieve together and simultaneously display together the associated destination objects (col. 7, lines 6-11 and lines 25-29, and col. 7, lines 46-67 through col. 8, lines 1-36). Himmel does not disclose the selection means include a different check box associated with each one of the plurality of digitally stored objects, each one of the plurality of digitally stored and presented objects being selected one at a time by using a computer input device to select, and de-select, a different check box such that a check appears, and disappears in case of de-selecting, in the check box. Iyengar discloses that in fig. 8. It would have been obvious to an artisan at the time of the invention to use checkbox

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selecting and de-selecting in place of Himmel's link selecting since checkbox method is well known and widely used when selecting multiple objects on web pages.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Kaply as applied to claim 2 and further in view of Iyengar.

As per claim 28, which is dependent on claim 27, it is a similar scope to claim 9; therefore, it should be rejected under similar rationale.

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Gavron et al ("Gavron").

As per claim 35, which is dependent on claim 32, modified Himmel does not disclose when a viewer moves a cursor to a thumbnail of interest, the sub-frame array stops rolling and high level information regarding the thumbnail appears in a dialog box positioned approximate to the thumbnail of interest. Kaply's system in fig. 4 implies that when the users do not scroll the array and move the cursor to a thumbnail of interest, the array stops rolling. Gavron discloses that in his figures in steps 3 and 5 page 105. When the user moves a mouse over a window thumbnail icon, information associated with that icon pop up in a dialog box that positioned approximate to that icon. It would have been obvious to an artisan at the time of the invention to use the teaching from Kaply and Gavron of moving a cursor to a thumbnail of interest, the sub-frame array stops rolling and high level information regarding the thumbnail appears in a dialog box positioned approximate to the thumbnail of interest in modified Himmel's system since the dialog box associated with the interested thumbnail would give brief information about the thumbnail quickly.

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13. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Tang et al ("Tang").

As per claim 36, which is dependent on claim 32, modified Himmel does not disclose selecting a thumbnail of interest results in a larger image of the thumbnail appearing with more detailed information in a sub-frame that the viewer can scroll manually or that can be automatically scrolled. Tang discloses when selecting on the interested thumbnail 26 of fig. 5, the larger image of thumbnail appeared with more detailed information and the viewer can scroll that sub-frame by the scrollbar (fig. 6). It would have been obvious to an artisan at the time of the invention to use the teaching from Tang of selecting a thumbnail of interest results in a larger image of the thumbnail appearing with more detailed information in a sub-frame that the viewer can scroll manually or that can be automatically scrolled in modified Himmel's system since the sub-frame would give more detailed information associated with the selected thumbnail, and at the same time it would occupy only a small window estate.

14. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Itoh.

As per claims 37 and 38, which are dependent on claim 32 and 37 respectively, modified Himmel does not disclose when a viewer selects a thumbnail of interest, a border surrounding the thumbnail is highlighted wherein a color of the highlighted border changes to indicate that the image has been selected and viewed. Itoh discloses that in col. 11, lines 14-19. It would have been obvious to an artisan at the time of the invention to use the teaching from Itoh of coloring

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the highlighted thumbnail border in modified Himmel's system since it would clearly identify the selected thumbnail.

As per claim 39, which is dependent on claim 38, modified Himmel does not disclose after viewing the thumbnail the viewer is not interested in the selected thumbnail, the viewer can close the image and the color of the highlighted border changes or disappears to indicate that the thumbnail was viewed but of no further interest to the viewer. Itoh discloses the border of the selected thumbnail is highlight in color (col. 11, lines 14-19). He does not specifically disclose, but his system implies that after the viewer closes the image, the color of the highlighted border changes or disappears to indicate that the thumbnail was viewed but of no further interest to the viewer. It would have been obvious to an artisan at the time of the invention to use the teaching from Itoh of closing the image causing the color of the highlighted border changes or disappears in modified Himmel's system since it would inform the viewer that the thumbnail is no longer selected.

15. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Moore et al ("Moore").

As per claim 44, which is dependent on claim 32, Himmel's system of sub-frame arrays windows (in fig. 5C) inherently indicates that they could be selected and enlarged. Modified Himmel does not disclose the sub-frames can include transactional commands to process a commercial transaction. Moore discloses that in fig. 15. It would have been obvious to an artisan at the time of the invention to use the teaching from Moore of including transactional commands

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to process a commercial transaction since it would allow the user to process the commercial transaction immediately after viewing an interested thumbnail.

16. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Collins-Rector et al ("Collins-Rector").

As per claim 45, which is dependent on claim 32, modified Himmel does not disclose the thumbnails display advertising. Collins-Rector discloses that in fig. 2. It would have been obvious to an artisan at the time of the invention to use the teaching from Collins-Rector of displaying advertising in the thumbnails in modified Himmel's system since it would cause attention from the users.

17. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Prior Art fig. 3A.

As per claim 46, which is dependent on claim 32, modified Himmel does not disclose the document page includes at least one textual link and at least one graphical link, each link representing a different category of information. The application prior art cited in fig. 3A of shows that user could link to different categories by clicking on textual link "Antiques" and graphical link "Sell your Item". It would have been obvious to an artisan at the time of the invention to use the teaching of including at least one textual link and at least one graphical link, each link representing a different category of information in modified Himmel's system since it would vary the presentation of the pages and make the pages more interesting to the viewers.

18. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel in view of Gibson and Kaply as applied to claim 32 and further in view of Iyengar.

As per claim 47, which is dependent on claim 46, modified Himmel does not disclose the document page includes at least one control element for controlling the textual and graphical links. Iyengar discloses multiple control elements for controlling the different flight links in fig. 8. It would have been obvious to an artisan at the time of the invention to use the teaching from Iyengar of including at least one control element for controlling the textual and graphical links in modified Himmel's system to give the user more criteria to filter out the linked pages.

Response to Declaration under 37 C.F.R. 1.131

19. The declaration filed on 12/30/2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the Himmel et al. ("Himmel", US 6,211,874 B1) reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the reference, see MPEP §715. The Exhibits 1-3 comprising the webpage templates of draft code as well as sample display format for the display of all objects and related items. They are, individually or together, still not evidence that provide a showing of facts in character and weight. Therefore, the evidence is still insufficient to establish a "reduction to practice" of the invention in this country or a NAFTA or WTO member country prior to the effective date of the reference.

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Furthermore, the evidence submitted is also insufficient to establish diligence from a date prior to the date of reduction to practice of the Himmel reference to either a constructive reduction to practice or an actual reduction to practice. The affidavit fails to establish an alleged reduction to practice prior to the application filing date. There is no evidence provided by the Applicant in the critical period which is the time between the time just prior to the filing date of the Himmel reference to the filing date of this application. MPEP § 2138.06 states that "the critical period for diligence for a first conceiver but second reducer begins not at the time of conception of the first conceiver but just prior to the entry in the field of the party who was first to reduce to practice and continues until the first conceiver reduces to practice," and "an applicant must account for the entire period during which diligence is required." Therefore, the Himmel reference is still properly cited as a prior art reference.

Response to Arguments

20. As per claims 1-31, the Himmel reference is still properly cited as a prior art reference.

21. As per claims 32-47, Applicant's arguments with respect to claim 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6513035 B1 to Tanaka, Keisuke et al. discloses database search apparatus and method.

US 6369811 B1 to Graham, Jamey et al. discloses automatic adaptive document help for paper documents.

US 6212536 B1 to Klassen, Christopher Laith et al. discloses method for generating web browser sensitive pages.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-

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8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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